

Editorial Note  
**WINTER ISSUE**  
January 2023

First and foremost, the Amsterdam Law Forum Board Members and Team of Editors (ALF Team '22-'23) wish all valued readers of ALF a happy new year! May the beginning of 2023 bring you warmth, courage and protection all year through! As many of you are aware, the ALF Journal features articles that discuss, analyse and interpret current issues of international and transnational legal nature. So off to a good start, we are proud to present you this academic year's first publication, namely the Winter Issue. In this Issue, we feature the works of three young scholars who have raised questions on three different important topics of our time—one on climate change, one on freedom of expression, and one on intellectual property rights.

While Russia's invasion of Ukraine in February 2022 has caused a great deal of legal, economic and political turbulence last year, forcing millions of people to flee their homes and resettle not only in Europe but also globally, the turbulence continues as States and their respective citizens face other pressing global issues such as that of climate change. Apparently, the displacement of people is one of the adverse effects of climate change, especially those living in coastal areas and/or State islands who are threatened by rising sea levels unless they move out. The big question, however, is: "where would they go?" To address this question, Benjamin Hagiarian gives a nuanced view in the opinion article titled, "*The Daniel Billy v Australia case; its semantics and the characterization of a climate threat as a cause for migration*". Hagiarian tackles the issue of climate refugees in light of the recent Human Rights Committee (HRC) decision in the Daniel Billy v Australia case. The case concerns the displacement of indigenous people from Torres Islands, who claim that Australia has failed to fulfil its positive obligation to mitigate or adapt measures to reduce the State's greenhouse gas emissions, which led to the destruction of their lives and livelihoods. In the article, the author particularly focuses on the case's semantics and their implications for the concept of 'climate refugee'. Among others, the author considers factors to determine a climate refugee status, the responsibilities of States towards them, and the threat of climate change to human life.

Notably, ALF also welcomes submissions from scholars all over the world because it matters in the international legal discourse to hear a variety of opinions, insights and/or interpretations of issues from different perspectives. But while freedom of expression is an inalienable right of human beings, it is not an absolute right. Inevitably, one man's rights could end where the other man's rights begin. This is the premise of the opinion article by Mofoluwawo Oluwapelumi Mojolaoluwa titled, "*Interrogating Einstein's proposition for tolerance as a safeguard to freedom of expression*". Interestingly, the author explores an unconventional approach to freedom of expression, which is a topic of great debate in the face of media blackouts and 'cancel culture'. By tapping on social values, the author argues that without tolerance, fear and shame (which are potent tools of repression) can thrive and win over freedom of expression (which is the hallmark of democracy). Mojolaoluwa specifically highlights Albert Einstein's famous statement, "*Laws alone can not secure freedom of expression; in order that every man present his views without penalty there must be spirit of tolerance in the entire population.*" By connecting this classic declaration with current political developments, the article serves as a reminder that laws always take effect in a context of values, morals, and ideologies.

Speaking of fundamental human rights, even intellectual property rights (which is another domain of law) show overlaps with human rights law as Article 27(2) of the Universal Declaration of Human Rights (UDHR) states, "*Everyone has the Right to the protection of the moral and*

*material interests resulting from any scientific, literary or artistic production of which he is the author.*” However, the problem that often arises in this case is typically the question of who the rightful author or owner is. For instance, in the case of contractors who agreed to design a product for their respective clients in exchange of monetary compensation, who then is regarded as the rightful owner or author of the design, the contractor or the client? This is the question that Joanne Giagkou addresses in the commentary article titled, “*The Dutch legal battle over industrial design between client and contractor*”. While this article zooms in on a specific issue invoking the Dutch Copyright Act, the transnational legal nature of the case is evident as the author further explains how the Benelux Convention on Intellectual Property (BCIP) plays a crucial role in this battle of rightful ownership of industrial designs. As Giagkou introduces a legal loophole in the Dutch legal copyright framework, the author also offers a critical analysis and possible alternative solutions in order to protect the author of the design.

Having introduced the featured articles for this year’s Winter Issue, the ALF Team ’22-’23 would like to take this opportunity to encourage every single legal scholar—young and established ones alike—to continuously be involved in the discussion, analysis and interpretation of many pressing issues the world is facing today. On that note, we thank you in advance for your submissions as well as any feedback you may have. Speaking of which, please be informed that the deadlines of submissions for the upcoming ALF publications are as follows:

- Spring Issue: 17 February 2023
- Summer Issue: 11 May 2023
- Autumn Issue: 10 September 2023

Finally, we are thankful to the combined efforts of authors, editors and peer reviewers. Notably, members of the ALF Board take turns as coordinators per Issue, and we specially thank Karla Marek for being responsible for the Winter Issue. To our editors, Danielus Bavah, Samita Maichan, Charlotte Mautner, Faith Obafemi, Cristhian Rodriguez, Asiya Shakeel, Donna Tol and Laura Algueró Vadell, thank you! Without you all and your commitment, this Winter Issue featuring nuanced views on topics related to climate change, freedom of expression and intellectual property would not be possible. Thus, it is our utmost hope that you all enjoy reading the articles as much as we did.

#### **The ALF Board ’22-’23**

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